

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington D.C. 20436

In the Matter of)	
)	
CERTAIN POLYETHYLENE)	Investigation No. 337-TA-457
TEREPHTHALATE YARN AND)	
PRODUCTS CONTAINING SAME)	
)	

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING-IN-PART AND DENYING-IN-PART
A MOTION FOR SUMMARY DETERMINATION THAT THE IMPORTATION
REQUIREMENT OF SECTION 337 IS SATISFIED**

AGENCY: U.S. International Trade Commission.

ACTION: Notice

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) of the presiding administrative law judge (ALJ) issued in the above-captioned investigation granting-in-part and denying-in-part a motion for summary determination that the importation requirement of section 337 is satisfied.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TTD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000.

The public record for this investigation also may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: The Commission instituted this patent-based investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain polyethylene terephthalate yarn and products containing same, on May 17, 2001. 66 *Fed. Reg.* 27586. The complainant, Honeywell International Inc. (Honeywell) of Morristown, New Jersey named Hyosung Corporation (Hyosung) of Seoul, Korea as the only respondent. On September 21, 2001, the Commission determined not to review an ID by the ALJ to

add Hyosung America, Inc., a wholly-owned U.S. subsidiary of Hyosung, as a second respondent.

On December 7, 2001, Honeywell moved for summary determination that the importation requirement of section 337 is satisfied with regard to the accused products of respondents. Hyosung admitted that it imports and sells certain identified polyethylene terephthalate (PET) yarns and PET fabrics. Hyosung opposed Honeywell's motion only to the extent that it was directed to additional PET yarns and PET yarn fabrics. The Commission investigative attorney supported Honeywell's motion.

On January 3, 2002, the ALJ issued an ID (Order No. 48) granting Honeywell's motion in part. The ALJ ruled that there was no genuine issue of material fact as to whether the importation requirement of section 337 was satisfied since Hyosung admitted that it imports certain PET yarns and fabrics. The ALJ denied Honeywell's motion to the extent that it was directed to additional PET yarns and fabrics. No petitions for review of the ID were received.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 190, as amended (19 U.S.C. § 1337), and in section 210.42 (h)(3) of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42(h)(3)).

By order of the Commission.

Marilyn R. Abbott
Acting Secretary

Issued: January 30, 2002